

### REMARKS

Reconsideration of the application is requested.

Claims 13-33 remain in the application. Claims 13-33 are subject to examination.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 13-19, 23-25, and 29-33 have been rejected as being obvious over U.S. Patent No. 6,373,428 B1 to McEwan in view of U.S. Patent No. 5,757,308 to Lissel et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

The Examiner has recognized that McEwan does not teach a receiver having a receiving oscillator with a transient response influenced by the reflection signal.

Applicants believe it is clear that McEwan: 1) does not teach that the transient response of the receiving oscillator is influenced; and 2) does not teach that the received signal itself influences the oscillator or the transient response of the oscillator.

The Examiner has also alleged that Lissel et al. teach a receiver having a receiving oscillator with a transient response influenced by the reflection signal. Applicants, however, believe it is clear that Lissel et al. do not teach such features.

Lissel et al. teach:

1) that the reflection signal  $e_n(t)$  and the transmitted signal  $s_n(t)$  are provided to the inputs of a mixer 6 (See column 5, lines 11-30); and

2) that the mixer output signal  $m_n(t)$  is supplied to a signal processing device 9 that outputs values representing the distance, speed, and amplitude of the obstruction (See column 5, lines 22-26).

Lissel et al. also teach that the frequency of the oscillator 1 can be varied (See column 4, line 64 to column 5, line 7). In addition, there is a vague statement that the signal processing device 9 supplies output signals to the code generator 14, which produces the control modulator signal  $f(t)$  for the oscillator 1 (See column 5, lines 26-30). There is no specific teaching or suggestion, however, that the reflection signal  $e_n(t)$  or that the mixer output signal  $m_n(t)$  is used to control the oscillator 1.

Additionally, the document does not contain any teaching or suggestion that the transient response of the oscillator 1 is influenced in any manner. There is no teaching related to using the reflection signal  $e_n(t)$  for influencing the response of the oscillator 1.

The function of the oscillator 1 during measurements A-D is described at

column 5, line 46 through column 6, line 21. After referring to that passage describing the oscillator function, it should become very clear that the reflection signal  $e_n(t)$  is not used for influencing the response of the oscillator 1.

Claims 13 and 23 include a receiver for receiving a reflection signal formed by a reflection of the transmission signal, said receiver having a receiving oscillator with a transient response influenced by the reflection signal.

Claim 32 includes a step of: influencing a transient response of the receiving oscillator with the reflection of the transmitted signal.

From the discussion above, it should be clear that even if there were a suggestion to combine the teachings of the cited references as alleged by the Examiner, the invention as defined by claims 13, 23, and 32 would not have been obtained.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 20-22 and 26-28 have been rejected as being obvious over U.S. Patent No. 6,373,428 B1 to McEwan in view of U.S. Patent No. 5,757,308 to Lissel et al. and further in view of Published U.S. Patent Application No. 2002/0064245 A1 to McCorkle under 35 U.S.C. § 103. Applicants respectfully traverse.

Even if there were a suggestion to combine the teachings of the cited references as alleged by the Examiner, the invention as defined by claims 20-22 and 26-28 would not have been obtained for the reasons specified above with regard to claims 13 and 23 and the deficiencies in the teachings of McEwan and Lissel et al.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 13, 23, or 32. Claim 13, 23, and 32 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 13, 23, or 32.

In view of the foregoing, reconsideration and allowance of claims 13-33 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

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Respectfully submitted,

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